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Honorable Christopher M. Alston
Chapter 11

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

NORTHWEST TERRITORIAL MINT, LLC,

Debtor.

Case No. 16-11767-CMA

SUPPLEMENTAL DECLARATION OF
MARK CALVERT IN SUPPORT OF JOINT
MOTION FOR AN ORDER FINALLY
APPROVING WARN ACT SETTLEMENT

Mark Calvert declares as follows:

1. I am the Chapter 11 Trustee of Northwest Territorial Mint, LLC (“NWTM” or “Debtor”). I am over eighteen (18) years of age and I am competent in all ways to testify. Unless otherwise stated herein, the following declaration is based on my personal knowledge. I submit this Declaration in support of the *Joint Motion for an Order (1) Granting Class Certification for Purposes of Settlement Only; (2) Appointing Settlement Class Representative and Settlement Class Counsel; (3) Preliminarily Approving the Settlement Agreement Between Class Claimant, on Her Own Behalf and On Behalf of the Settlement Class; (4) Approving the Form and Manner of Notice to Settlement Class; (5) Scheduling a Final Fairness Hearing for the Final Consideration and Approval of the Settlement; and (6) Finally, Approving the Settlement* (the “Joint Motion”).

2. A final fairness hearing with respect to the Joint Motion and settlement contemplated therein (the “WARN Act Settlement”) was held by the Court on November 16, 2018. At the hearing, the Court requested that I provide additional information related to the composition of the proposed

SUPPLEMENTAL DECLARATION OF MARK CALVERT
IN SUPPORT OF JOINT MOTION FOR APPROVAL OF
CLASS SETTLEMENT AND RELATED RELIEF - 1

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1 class of employees under the WARN Act Settlement. The settlement class consists of a total of 100
2 employees. As I understand it, the Court's concerns stemmed from its review of the monthly
3 operating reports ("MORs") for December 2017, January 2018, and February 2018. The Court
4 wanted to know why the class is composed of 100 individuals when the MORs reflect that there
5 were a combined 106 resignations/terminations in the three-month period of December 2017 to
6 February 2018.

7 3. The December 2017 MOR shows that 96 employees were terminated or resigned in
8 that month. Only 92 of the 96 employees that resigned/were terminated for the month of December
9 were included in the WARN Act Settlement class. Four employees who were laid off in December
10 were not included in the class. Those four employees that were not included in the class are as
11 follows: (1) Bill Atalla; (2) Greg Fullington; (3) Brandon Aubin; and (4) Demitre Hindman.

12 4. Bill Atalla was not included in the class because his claim is subject to treatment
13 pursuant to a separate settlement agreement that was approved by this Court. Mr. Fullington is not
14 included because he was not considered a full-time employee entitled to treatment as a member of
15 the class. In particular, Mr. Fullington had no regular hours and performed work on an "as-needed"
16 basis. Mr. Aubin was terminated in December of 2017, but was re-hired in the next month. Demitre
17 Hindman's employment, like that of Mr. Aubin, was terminated in December of 2017. However, Mr.
18 Hindman was re-hired in January and worked for the Debtor until he was terminated in May of 2018.

19 5. The MORs indicate that an additional ten employees were terminated in the months
20 of January and February (of 2018). One of the employees was scheduled to be laid off in February
21 and reported as laid off, but was not actually laid off until March 9, 2018. Of the ten employees
22 referenced in the MORs as being terminated or resigning in the months of January and February,
23 eight individuals were included in the WARN Act settlement class. The following two employees,
24 who were terminated in February, 2018, were not included in the settlement: Jeff Goodfellow, and
25 Zach Clark. Mr. Goodfellow was not included because he quit in November 2017. He was then
26 rehired in January 2018, and was ultimately terminated in February 2018. Mr. Clark was not

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1 included in the class because he was terminated in February 2017. While Mr. Clark was rehired in
2 January of 2018, he never ended up working in 2018 because he did not show up for work and was
3 ultimately terminated.

4 6. As reflected in the MORs, the total number of employees who resigned or were
5 terminated in the three-month period of December 2017 through February 2018 was 106. However,
6 for the reasons explained above, six of the individuals referenced in the MORs were not included in
7 the class, which is comprised of a total of 100 individuals.

8 I declare under the penalty of perjury under the laws of the United States that the foregoing is
9 true and correct to the best of my knowledge.

10 EXECUTED this 5th day of December, at Seattle, WA.

11
12 /s/ Mark Calvert

13 Mark Calvert
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CERTIFICATE OF SERVICE

The undersigned declares as follows:

That she is a paralegal in the law firm of K&L Gates LLP, and on December 6, 2018, she caused the foregoing document to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

Executed on the 6th day of December, 2018 at Seattle, Washington.

/s/ Denise A. Lentz
Denise A. Lentz

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